

Mayor
Rita Dotson

City Clerk
Michele Edwards

City Treasurer
Bethany Cooper

City Attorney
Martin Johnson

Police Chief
Tracy Watwood

Resolution to the City of Benton Number 15-07-04

I certify I am the duly qualified City Clerk of the City of Benton, Kentucky, and the following pages of the Resolution Number: 15-07-04 is a true, correct and complete copy, duly adopted by the City Council at a convened meeting held on July 20, 2015, all as appears in the official records of the said City of Benton, Kentucky.

WITNESS, my hand and the Seal of the City of Benton, this the 18 day
of August, 2015.

Michele Edwards
Michele Edwards
Benton City Clerk

S E A L

RECEIVED AND FILED
DATE Sept 9, 2015

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Gardie Addison

RESOLUTION

No. 15-07-04

**A RESOLUTION CORRECTING AN ORIGINAL KRS 81.045
FILING AND ADOPTING A MODERN LEGAL DESCRIPTION
OF TERRITORY PREVIOUSLY ANNEXED BY ORDINANCE**

WHEREAS, the City of Benton, Kentucky (hereafter the "City"), on July 16, 1981, submitted a boundary statement and other information in compliance with KRS 81.045; and

WHEREAS, an area annexed October 18, 1977 was not included in the KRS 81.045 boundary statement inasmuch as the map submitted was prepared in 1976 and the City failed to make a correction to the map to include the hereinabove referenced ordinance when the KRS 81.045 filing was submitted to the Secretary of State's Office in 1981; and

WHEREAS, the Ordinance dated October 18, 1977, was not overturned by the court in Civil Action No. 4786 or in an election process; and

WHEREAS, the City further wishes to provide a modern legal description and annexation plat for the purposes of showing the location of the prior October 18, 1977 annexation, same having been prepared by a professional land surveyor for the purposes stated therein; and

WHEREAS, the City wishes to correct its KRS 81.045 filing and comply with the requirements of Amended KRS 81A.470; and

WHEREAS, with respect to the Ordinance dated October 18, 1977, the City does not intend to replace its prior ordinance annexing, but rather to interpret the defined boundaries of the territory previously annexed; and

WHEREAS, the City wishes to add the modern legal description of the territory previously annexed to its KRS 81.045 filing, thereby correcting same,

NOW, THEREFORE, be it resolved by the City of Benton, Kentucky (the "City") as follows:

1. The City adopts the following legal description and plat attached hereto as prepared by A. Clay Robinson, Licensed Professional Land Surveyor No. 3219 for the purposes stated therein, as a modern description of the property previously annexed into the corporate city limits of the City by Ordinance dated October 18, 1977, a certified copy of which is attached hereto as Exhibit C, and hereby adopts said new legal description and plat as the official legal description and plat to be adopted by the City for all purposes when referencing this prior annexation.

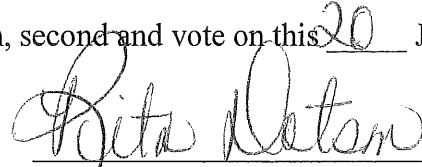
2. The new legal description as prepared by A. Clay Robinson, Licensed Professional Land Surveyor No. 3219 for the purposes stated therein, is as follows:

See attached Exhibit A for said Legal Description.

See attached Exhibit B for said Annexation Plat.

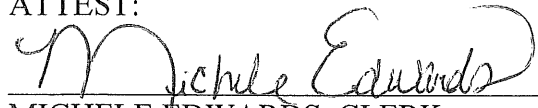
3. This resolution and the attached documents shall be filed with the Office of the Secretary of State to correct the City's KRS 81.045 filing.

Adopted unanimously upon proper motion, second and vote on this 20 July, 2015.



RITA DOTSON, MAYOR
CITY OF BENTON, KENTUCKY

ATTEST:



MICHELE EDWARDS, CLERK
CITY OF BENTON, KENTUCKY

**Annexation to the City of Benton, Marshall County, Kentucky
Of October 18, 1977
West Addition to Merrywood Subdivision, Civil Court Action No. 4786
2015 Resolution Description**

A parcel of land, a portion of which is known as the West Addition to Merrywood Subdivision as shown on the plat of record in Slide 500 of the records of the Marshall County Court Clerk, lying on the east side of the US Highway 641 South, west of Merrywood Subdivision No. 2 as shown on the plat of record in Slide 216 of the records of the Marshall County Court Clerk, and south of property Annexed by Ordinance November 17, 1986 Tract "E" and Clarification Resolution Plat 5E on September 21, 2009, and being more particularly described as follows:

Beginning at a point in the West line of Lot 17 of the Merrywood Subdivision No. 2, also the northeast corner of William Fields as recorded in Deedbook 167 page 554 of the record of the Marshall County Court Clerk, said point having Kentucky State Plane South Zone coordinates of North 1,835,928.98 and East 872,740.48;

Thence, from the point of beginning, along the existing city limits, along the east line of William Fields and the west line of the West Addition to Merrywood Subdivision, South 0° 01' 32" West a distance of 386.32 feet to a point;

Thence, South 0° 01' 05" West a distance of 50.04 feet to a point;

Thence, South 0° 35' 40" West a distance of 223.73 feet to the southeast corner of the West Addition to Merrywood Subdivision;

Thence, leaving the existing city limits, along the south line of the West Addition to Merrywood Subdivision, North 87° 33' 04" West a distance of 800.21 feet a point in the right of way of US Highway 641 South;

Thence, North 1° 14' 38" East a distance of 654.35 feet to a point;

Thence, South 87° 56' 33" East a distance of 788.29 feet, a portion along existing city limits as Annexed by Ordinance November 17, 1986 Tract "E" and Clarification Resolution Plat 5E on September 21, 2009, and along a gap in the city limits to the point of beginning.

The above described parcel contains 11.989 acres more or less.

As shown on a plat labeled "Resolution Plat Depicting Original Ordinance Dated October 18, 1977" Drawing B-1 as prepared by Shawnee Professional Services dated June 29, 2015.

All bearings and coordinates referred to in this description are based on the Kentucky State Plane South Zone coordinate system as derived from GPS observations performed on June 19, 2015.

(continued)

Note: the purpose of this description is to provide information for the annexation of the 11.989 acres described to the City of Benton, Kentucky. This description or plat does not represent a boundary survey and is not intended for land transfer or to establish ownership lines or a property boundary.

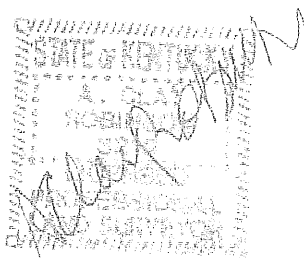
Prepared by and in accordance with a partial survey performed under the supervision of:

A. Clay Robinson
Ky. Licensed Prof. Surveyor 3219
Shawnee Professional Services
401 Washington Street
Paducah, Ky. 42001


A Clay Robinson, PLS

7-01-15

Date



STAMP

Case 2 WestMerrywood Oct 19 1976.doc
A Clay Robinson
July 2, 2015

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

To research the map, contact the
Office of Secretary of State
or the County Clerk.